

MEETING MINUTES CITY OF MILPITAS

Minutes of: Regular Meeting of the Milpitas City Council
Date: Tuesday, April 21, 2020
Time: 6:00 PM Closed Session
7:00 PM Open Session
Location: Meeting held via teleconference/zoom meeting
Milpitas, CA

CALL TO ORDER

Mayor Tran called the regular meeting to order at 8:23 PM. City Clerk called the roll. The meeting took place via teleconference and webinar.

PRESENT: Mayor Tran, Vice Mayor Nuñez and Councilmember Dominguez

ABSENT: Councilmembers Montano and Phan were absent at roll call. Both arrived in the phone-in Closed Session.

CLOSED SESSION

City Council convened into Closed Session (by telephone) to discuss two items listed on the agenda, one labor negotiation item and one anticipated litigation.

By phone conference, Mayor Tran called to order the open session/regular meeting at 9:41 PM.

ANNOUNCEMENT

City Attorney Chris Diaz reported no action out of Closed Session.

Councilmember Dominguez announced she wanted to move forward a memo she had distributed earlier (via email) for a resolution condemning xenophobia especially towards the Asian Pacific Islander community,

PLEDGE

Mayor Tran led the pledge of allegiance.

INVOCATION

Councilmember Dominguez introduced Ms. Isabelle Morrisson, a Milpitas High School junior, who read aloud positive letters to start the meeting.

PRESENTATION

Mayor Tran proclaimed *National Public Safety Telecommunications Week* for April 12 – 18, 2020. He also proclaimed April 22, 2020 as *Earth Day*.

PUBLIC FORUM

City Clerk Mary Lavelle read aloud comments from three residents: Madison M, Yolie Garcia and Mikaila P.

ANNOUNCEMENTS

Councilmember Dominguez repeated her request for a May 5 City Council meeting agenda item to adopt a resolution against any type of hatred in the community, during this crisis time. Mayor Tran did not want to single out one minority group and to expand a resolution to include all people from all backgrounds, and Vice Mayor Nuñez agreed.

Ms. Dominguez offered to amend the language in her proposed resolution, and then made a motion for her request, seconded by Vice Mayor Nuñez.

City Attorney Chris Diaz asked the Council not to vote on the request, while there was consensus on bringing back her proposal. Mr. Diaz would work with Councilmember Dominguez on the resolution language, with recognition that the City can change the final wording in that document.

Upon Mayor's suggestion to ask Vice Mayor Nuñez to help her with outreach, Councilmember Dominguez asked if Councilmember Montano would be a co-partner with her on bringing the resolution, reaching out to diverse groups and Ms. Montano agreed.

Vice Mayor Nuñez referred to a recent presentation by the City Manager on what the City was doing in response to the coronavirus emergency and providing clear information online. He asked the City Manager (or staff) to come back once per month to describe updates on the City's website, with valuable service information.

Mayor Tran asked for consideration of having a cannabis sales tax go to voters in the November election, to let residents decide that issue.

Councilmember Phan supported Mayor Tran. He also wanted to consider having a sales tax for public safety infrastructure on the ballot. The Mayor wanted staff exploration of these two potential tax measures on the next agenda.

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

City Attorney Diaz asked Councilmembers if they had any personal conflicts of interest or reportable campaign contributions. By roll call, no conflicts or contributions were reported.

APPROVAL OF AGENDA

Motion: to approve the City Council agenda, as amended

Mayor Tran requested to move item no. 16 (Subcommittee) to be heard after no. 12.

Councilmember Dominguez asked to remove item no. 15 (Resolution on CEDAW) and move it to the next meeting agenda.

Motion/Second: Vice Mayor Nuñez/Councilmember Montano

Motion carried by a vote of: AYES: 5
NOES: 0

CONSENT CALENDAR

Motion: to approve the consent calendar, items no. C1 – C8, C10, C11

Vice Mayor Nuñez asked to remove item no. C9 (purchasing report) from consent.

Motion/Second: Vice Mayor Nuñez/Councilmember Montano

Motion carried by a vote of: AYES: 5
NOES: 0

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| C1. Council Calendars | Received the calendars of upcoming meetings for months of April and May 2020. |
| C2. Meeting Minutes | Approved City Council meeting minutes of April 7 (2) and 10, 2020. |
| C3. Resolution – The Edge | Adopted Resolution No. 8957 to (1) grant acceptance of public improvements for The Edge Subdivision at 765 Montague Expressway, Tract 10305, Public Improvement Plan No. 2-1214; (2) approve reduction in the faithful performance bond to \$40,000, which shall be subject to and in effect for the duration of a one-year warranty period; and (3) grant authorization to the City Engineer to release the performance bond after the one-year warranty period, without further City Council action provided all required warranty work is completed to the satisfaction of the City Engineer. |
| C4. Resolution – SB1 funds | Adopted Resolution No. 8958 listing the projects for Fiscal Year 2020-21 to be funded by SB 1: The Road Repair and Accountability Act of 2017. |
| C5. OES Resolution | Adopted Resolution No. 8959 (Cal OES Form 130) designating the City Manager, Assistant City Manager, and Director of Finance as authorized agents to submit reimbursement requests to Cal OES and FEMA. |

C6. Resolution – unclaimed checks less than \$15.00	Adopted Resolution No. 8960 to transfer a total of \$909.77 in unclaimed checks and credits, per the list generated by the City's Finance Department, to the General Fund in accordance with City of Milpitas Standard Operating Procedure No. 26-1.
C7. Resolution – La Quinta	Adopted Resolution No. 8961 denying the appeal and Upholding the Planning Commission's decision to deny Site Development Permit and Conditional Use Permit to allow development of a hotel (La Quinta Hotel proposal) with up to 105 rooms and up to five stories at 1000 Jacklin Road.
C8. Agreement with Maze	Approved and authorized the City Manager to execute an Agreement with Maze & Associates Accountancy Corporation for Professional Auditing Services for a five-year period for an amount not to exceed \$479,175, subject to annual appropriation of funds.
9. Purchasing Report	<p>Item was removed from consent. Vice Mayor Nuñez asked the Finance Director about terms of contracts over \$20,000 and when those were reported to City Council.</p> <p>Mayor Tran noted the City Council accepted the report from the Purchasing Agent regarding emergency purchases over \$20,000 related to the novel coronavirus (COVID-19) outbreak for the period of April 1 to 14, 2020 for the purchase of Personal Protective Equipment (PPE) for Milpitas Firefighters.</p>
C10. Report AB3005	Received a summary report on Assembly Bill 3005 and authorized a letter of support.
C11. Purchase of Motorcycles from BMW	Awarded Invitation for Bid No. 2425 to Long Beach BMW Motorcycles and authorized the City Manager to purchase five new BMW R 1250 RT-P motorcycles for the Milpitas Police Department for an amount not to exceed \$135,055.80.

LEADERSHIP

12. Resolution to Amend Classification Plan	<p>Employee Relations Officer Francine Hunt presented her report explaining the process that led up to the recommendation for the resolution to improve an issue of salary compaction for one classification.</p> <p><u>Motion</u>: to adopt Resolution No. 8962 amending the Classification Plan Salary Range and salaries for the Senior Public Works Lead classification by 6.67% retroactive to March 1, 2020</p> <p>Motion/Second: Vice Mayor Nuñez/Councilmember Montano</p> <p>Motion carried by a vote of: AYES: 5 NOES: 0</p>
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REPORTS

13. Agenda Item requests	Item was not heard.
14. Support for Laura's Law	Item was not heard.
15. Resolution (CEDAW)	This item was removed from the agenda, to be rescheduled to the May 5 meeting.
16. Economic Development Subcommittee	<p>Councilmember Montano, Chair of the Subcommittee, reported on meetings held to date with ideas to help the business community during the coronavirus pandemic. Upon request of Ms. Montano, Economic Development Director Alex Andrade provided an update on what his office had been working on. He responded to various questions from Councilmembers on the program and recommendation in the motion.</p> <p>Mayor Tran outlined various eligibility criteria he desired in the loan program. He did not support the use of reserve funds for loans.</p>

Councilmembers discussed terms and criteria for the city loan program proposed. Councilmember Montano specifically requested to consider the loan program in the amount of \$250,000 for small businesses.

Motion: to re-name the City Council Subcommittee as the Small Business Assistance Subcommittee; and, as recommended by the two Subcommittee members, to develop a \$200,000 (or other amount) Small Business Loan Program using the contracted services of Silicon Valley Community Foundation and Opportunity Fund as fiscal agent and administrator of the loan program, respectively, and to bring back - as soon as possible - the details of the loan program including final eligibility criteria, for approval by the City Council (at a Special meeting, if needed)

Motion/Second: Vice Mayor Nuñez/Councilmember Phan

Motion carried by a vote of: AYES: 5
NOES: 0

AGENDA PREVIEW

17. Preview next Agenda City Council received the preview list of anticipated agenda items for May 5, 2020.

ADJOURNMENT

Mayor Tran adjourned the regular meeting at 12:57 AM on Wednesday, April 22, 2020.

The foregoing minutes were approved by the Milpitas City Council on May 5, 2020.

Mary Lavelle, City Clerk